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PTO/SB/51 (07-33)
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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)
044 RE1

I hereby declare that:
 Each inventor's residence, mailing address and citizenship are stated below next to their name.
 I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed
 in patent number 6,264,659 granted July 24, 2001 and for which a
 reissue patent is sought on the invention entitled Method of Treating an Intervertebral Disk
 the specification of which

☐ is attached hereto.
☒ was filed on 7/24/03 as reissue application number 10/627,559
 and was amended on _____ (if applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.
 I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 355(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.
☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.
☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Claim 1 is defective in that it is unnecessarily limited to the introduction of resilient material into an intervertebral disk after identifying the location of a prolapse. All that is necessary is that the interior of the intervertebral disk be accessed, such as via surgical access, puncture, tear or rupture.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)

044 REI

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Note: To appoint a power of attorney, use form PTO/SB/81.

Correspondence Address: Direct all communications about the application to:

☒ Customer Number:

30,328

OR

☐ Firm or Individual Name

Address

Address

City

Country

State

Zip

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Anthony C. Ross

Inventor's signature

Anthony C. Ross

Date

4/1/04

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Full name of second joint inventor (given name, family name)

Peter Guagliano

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Peter Guagliano

Date

4/1/04

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Citizenship

1/ps

Mailing Address

Full name of third joint inventor (given name, family name)

Inventor's signature

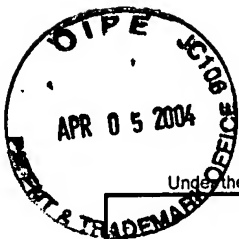
Date

Residence

Citizenship

Mailing Address

☐ Additional joint inventors or legal representatives are named on separately executed sheets form PTO/SB/03A or 021A attached hereto.



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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: NuVasive, Inc.Application No./Patent No.: 10/672,553 Filed/Issue Date: July 24, 2003Entitled: Method for Treating an Intervertebral DiskNuVasive, Inc., a Delaware Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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3. From: _____ To: _____

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Reel _____, Frame _____, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

4-1-04

Date

858.243.0029

Telephone number

JONATHAN SPANGLER

Typed or printed name

[Signature]

Signature

CHIEF PATENT COUNSEL

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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